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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,212	03/22/2001	Ji Soo Oh	2438-052	2309

7590 08/13/2004

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,212

Applicant(s)

OH, JI SOO

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 & 12 are rejected under 35 U.S.C. 102(e) as being unpatentable over Cannon et al (U.S. 6,754,715)

3. As per claim 1 & 12 Cannon disclosed a data processing method for transmitting video movie data having a plurality of frames from a server of a video movie provider to a user terminal in response to a request of the user in a video-on-demand system, the method comprising the steps of: (a) determining whether the user is an authorized member (col.3, lines 58-67); (b) if the user is determined to be the authorized member, transmitting information for movie selection to the user terminal (col.18, lines 34-40); (c) when the user selects a particular movie, transmitting data for a play screen on which the user can operate the frames of the movie remotely and recording the time at which the data for the play screen is transmitted as a login time; (d) setting a value of a frame counter that counts the number of the currently transmitted frame as an initial value(col.4, lines30-49); and (e) when the user selects one of buttons including a play button, a stop button, a rewind button and a fast forward button, performing the function corresponding to the selected button (col.6, lines 40-60).

4. As per claim 2 Cannon disclosed the data processing method as recited in claim 1, wherein, at said step (e), when the play button is selected, transmitting the video movie data from the frame corresponding to the value of the frame counter and recording the time at which the play button is selected; when the play button is stopped, recording the frames that moved while the play button is selected (col.4, lines 30-64); when the stop button is selected, stopping data transmission of the movie data (col.17, lines 45-50); when the rewind button is selected, changing the value of the frame counter to a previous frame by the number as the user requests and recording the time at which the rewind button is selected and the frames that are moved (col.17, lines 32-44); and, when the fast forward button is selected, changing the value of the frame counter to a post frame by the number as the user requests and recording the time at which the fast forward button is selected and the frames that are caused to move (col.16-lines 17-23 & col.17, lines 50-56).

5. As per claim 3 Cannon disclosed the data processing method as recited in claim 2, wherein, at said step (b) if the user selects preview for a movie, preview data of the selected movie is transmitted to the user terminal (col.3, lines 58-67 & col.4, lines 1-8).

6. As per claim 4 Cannon disclosed the data processing method as recited in claim 3, wherein, at said step (e), if the user selects screen capture on the play screen, information for the frame at that time is recorded in the server (col.12, lines 38-55 & col.13, lines 4-11).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715), Rakavy (U.S. 5,913,040), Sebestyen (U.S. 5,999,985), Doerr (U.S. 5,949,411), Neel (U.S. 5,838,314), Shah-Nazaroff (U.S. 6,157,377) and Herz (U.S. 5,754,938).

9. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715) and Rakavy (U.S. 5,913,040).

As per claim 5 Cannon disclosed method as recited in claim 4 (see claim 4), however Cannon did not disclose explicitly further comprising the step of using the captured screen as a screen saver. In the same field of endeavor Rakavy disclosed the step of using the captured screen as a screen saver (col.8, lines 4-13).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated using the captured image as the screen saver in a terminal in order to enhance the user's terminal to the theme of their liking.

10. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715) and Rakavy (U.S. 5,913,040).

As per claim 6 Cannon disclosed method as recited in claim 4 (see claim 4), however Cannon did not disclose explicitly further comprising the step of using the captured screen as a background image. In the same field of endeavor Rakavy disclosed the step of using the captured screen as a background image (col.7, lines 51-55 & col.11, lines 45-49).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated using the captured image as background image in the terminal in order to enhance the user's terminal to the theme of their liking.

11. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715) and Sebestyen (U.S. 5,999,985).

As per claim 7 Cannon disclosed method as recited in claim 4 (see claim 4), however Cannon did not disclose explicitly further comprising the step of using the captured screen as an attached file for mailing. In the same field of endeavor Sebestyen disclosed the step of using captured screen as an attached file for mailing (col.3, lines 63-67, col.4, lines 1-19 & lines 23-32).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the mailing capability of captured file in order to make the system more robust by giving it the capability to share information with other users.

12. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715) and Doerr (U.S. 5,949,411).

As per claim 8 Cannon disclosed the data processing method as recited in claim 1 (see claim 1), however Cannon did not disclose wherein the server is provided with data concerning the movie

evaluation score given by the users who have tried previously the movie and the score is provided to the user on the movie selection screen at said step (b). In the same field of endeavor Doerr disclosed wherein the server is provided with data concerning the movie evaluation score given by the users who have tried previously the movie and the score is provided to the user on the movie selection screen at said step (b) (col.2, lines 38-63 & col.5, lines 50-54).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the data concerning the movie evaluation in order to provide viewer with a broader prospective on the likeability of the movie feature before selecting it.

13. Claims 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715) and Neel (U.S. 5,838,314).

As per claims 9 & 10 Cannon disclosed the data processing method as recited in claim 1 (see claim 1), however Cannon did not disclose wherein the database server has a list of movies that the user has tried previously, and said step (c) includes the step (cl) of comparing the selected movie with the movies in the list and then notifying the user of the fact that the user have tried the selected movie previously, if such is the case. In the same field of endeavor Neel disclosed wherein the database server has a list of movies that the user has tried previously, and said step (c) includes the step (cl) of comparing the selected movie with the movies in the list and then notifying the user of the fact that the user have tried the selected movie previously, if such is the case (col.6, lines 10-25).



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It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have shows a list of previously viewed movies to the customer in order to enhance and personalize their movie watching experience and in intern make the system more user friendly.

14. Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715), Neel (U.S. 5,838,314) and Shah-Nazaroff (U.S. 6,157,377).

As per claim 11 Cannon-Neel disclosed the data processing method as recited in claim 10, however Cannon-Neel did not disclose wherein, at said step ;(c2), when it is determined by a determination process that the movie selected has not been completely watched by the user, a special rate fee is applied to the user. In the same field of endeavor Shah-Nazaroff disclosed wherein, at said step ;(c2), when it is determined by a determination process that the movie selected has not been completely watched by the user, a special rate fee is applied to the user (col.2, lines 18-24).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the function of alternative billing based on the service received by the customer and as a result provide accurate charges to the customer.

15. Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. 6,754,715) and Herz (U.S. 5,754,938).

As per claim 13 Cannon disclosed the data processing method as recited in claim 1,however Cannon did not disclose wherein, the web server provides chatting function for enabling a plurality of the users to watch a movie and chat simultaneously. In the same field of endeavor

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Herz disclosed wherein, the web server provides chatting function for enabling a plurality of the users to watch a movie and chat simultaneously (col.72, lines 64-67).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the chat functionality with other viewers in order to make the system more interactive and versatile.

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawler (U.S. 5,758,259) disclosed automated selective programming guide.

Baryala (U.S. 5,717,468) disclosed system and method for dynamically reording and displaying comments for a video movie.

Reeder (U.S. 5,852,812) disclosed billing system for a network.

Hashimoto (U.S. 5,912,697) disclosed video mail system capable of transferring large quantities of data without hampering other data transmissions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 703-305-4623. The examiner can normally be reached on M-F, 8:00-5:00PM.

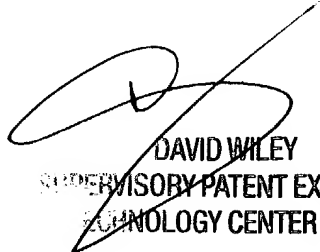
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

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DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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